

REMARKS

Claims 1, 3-9, 11-16, 18-21 and 24-28 were presented for examination and were pending in this application. In the Office Action dated May 15, 2009, claims 1, 3-9, 11-16, 18-21 and 24-28 were rejected. Based on the above Amendment and the following Remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections, and withdraw them.

SUMMARY OF INTERVIEW

Applicant thanks Examiner Kim for his time in conducting a telephone interview on August 11, 2009. During the telephone interview, Applicant's representatives Jennifer Bush and Puneet Sarna discussed proposed claim amendment to overcome the §103 rejections. During the interview, the Examiner indicated that the discussed amendment, included in the amendment made herein, is likely to overcome these rejections.

35 U.S.C. § 103 Rejection

Claims 1, 3, 6, 8- 9, 11, 14, 16, 18, 21, and 24-28 stand rejected under 35 U.S.C. § 103 as being unpatentable over Pisello, et al. (U.S. Patent No. 5,495,607) in view of Stupek, et al. (U.S. Patent No. 5,586,304), Miyata et al. (U.S. 2004/0117401), and Bucher (U.S. 2005/0060281). Applicant now traverses these rejections as applied to the amended claims.

Claim 1 as amended recites *inter alia*:

the file attribute manager gleaning file attributes from each of the plurality of scanned files based on a protocol used to receive each of the plurality of files, the file attribute manager gleaning different file attributes for different protocols;

None of Pisello, Stupek, and Miyata discloses "the file attribute manager gleaning different file attributes for different protocols" and the Examiner does not assert that they

do. The Examiner cited Bucher for disclosing this limitation. However, as agreed by the Examiner during the interview, Bucher does not disclose the amended limitation.

Bucher discloses a rule based system and method for managing content wherein an action is performed on a content file when a certain event occurs. Bucher, Abstract, [0094]-[0100]. The content file includes metadata like the time when the content file was most recently accessed. Bucher, [0082]-[0086]. This metadata can be used in performing actions in response to the occurrence of an event. Additionally, Bucher discloses rule based actions like controlling access to a content file based on the identity of the entity accessing the file. Bucher, [0123]-[0129].

However, Bucher does not disclose “gleaning different file attributes for different protocols” because neither the metadata in content file nor the rule based actions disclose gleaning different file attributes when different protocols are used to received the files. The Examiner during the telephone interview agreed that this limitation as recited in the amended claim is not disclosed by Bucher. Accordingly, claim 1 is patentably distinguishable over Bucher.

Pisello, Stupek, and/or Miyata do not remedy the above-described deficiencies of Bucher, nor does the Examiner argue that they do.

Thus, the deficient disclosures of these references, considered either alone or in the combination suggested by the Examiner, fail to establish even a *prima facie* basis from which a proper determination of obviousness under 35 U.S.C. § 103(a) can be made. As discussed above, the references do not teach or suggest all of the claimed limitations. Claim 1 is therefore patentable over Pisello, Stupek, Miyata, and Bucher, alone or in the suggested combination.

Independent claims 9 and 16 also are patentable over Pisello, Stupek, Miyata, and Bucher alone or in the suggested combination, for the above-stated reasons. Dependent claims 3-8, 11-15, and 18-21 variously depend from claims 1, 9, and 16. These dependent claims include all the above mentioned limitations of their independent claims. In addition, these claims recite other patentably distinguishable features not included in their respective base claims. Thus, these claims are patentable over Pisello, Stupek, Miyata, and Bucher alone or in the suggested combination, for at least these reasons.

Claims 4, 12, and 19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Pisello, et al., in view of Stupek, Miyata, and Bucher, and in further view of Fischer (U.S. Patent No. 5,694, 569). Claims 5, 13, and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Pisello, et al., in view of Stupek, Miyata, and Bucher, and in further view of Baker (US 2003/0233352). Claims 7 and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Pisello, et al., in view of Stupek, Miyata, and Bucher, and in further view of Chino, et al (US 2002/0046207).

Claims 4, 5, 7, 12, 13, 15, 19, and 20 were shown above to be patentably distinguishable over Pisello, Stupek, Miyata, and Bucher. Fischer, Baker, and/or Chino, alone or in the suggested combinations, also do not remedy the above-discussed limitations, nor does the Examiner allege that they do. Rather, Fischer, Baker, and/or Chino are cited for features in dependent claims 4, 5, 7, 12, 13, 15, 19, and 20. Thus, dependent claims 4, 5, 7, 12, 13, 15, 19, and 20 also are patentable over Pisello, Stupek, Miyata, Fischer, Baker, and Chino, alone or in the suggested combinations.

Conclusion

In sum, Applicant respectfully submits that claims 1, 3-9, 11-16, 18-21, and 24-28, as presented herein, are patentably distinguishable over the cited references. Therefore,

Applicant requests reconsideration of the basis for the rejections to these claims and requests allowance of them. In addition, Applicant respectfully invites the Examiner to contact Applicant's representative at the number provided below if the Examiner believes it will help expedite furtherance of this application.

Respectfully submitted,
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